IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 1098 of 2001(E)

PETITIONER:

B. MINI,
D/O. V.K. BHASKARAN,
MINI MANDIRAM,
VETTICHITTA, PIRAVANTHUR,
KOLLAM.

BY ADV. SRI.T.M.ABDUL LATHEEF.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   PERSONAL & ADMINISTRATION REFORMS
   (ADVISE C) DEPARTMENT, THIRUVANANTHAPURAM.

2. **DISTRICT COLLECTOR, CHAIRMAN,**
   DISTRICT COMMITTEE FOR APPOINTMENT OF
   PHYSICALLY HANDICAPPED PERSON,
   COLLECTORATE, KOLLAM.

3. **BIJU, BIJU BHAVAN,**
   KOIVILA, CHAVARA,
   KOLLAM.

BY ADV. SRI.JOSE CYRIL,
GOVT. PLEADER SMT. SMITHA SUKUMARAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 1795/2001 IN O.P. NO. 1098/2001

DISMISSED

07/06/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DISABILITY CERTIFICATE S.1.NO. 1389/91 DTD. 23/04/1991.

EXT.P.2: COPY OF THE MARK LIST DTD. 23/06/1992.

EXT.P.3: COPY OF THE MEMO DTD. 19/10/2000 ISSUED BY THE R.2.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE CERTIFICATE DTD. 04/11/1996 ISSUED BY THE KERALA STATE GENERAL EDUCATION DEPARTMENT.

EXT.R3.B: COPY OF THE DISABILITY CERTIFICATE DTD. 15/02/2000 ISSUED BY THE MEDICAL BOARD, DISTRICT HOSPITAL, KOLLAM.

EXT.R3.C: COPY OF THE APPOINTMENT ORDER DTD. 08/01/2001 ISSUED BY THE DEPUTY DIRECTOR (EDUCATION), KOLLAM.

//TRUE COPY//

prv.

Thottathil B. Radhakrishnan, J.

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O.P.No.1098 of 2001

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Dated this the 7th day of June, 2007.

JUDGMENT

Petitioner and the third respondent were among those who competed at a selection process for recruitment from among Orthopaedically handicapped, deaf, dumb and blind in the ratio of 1:1:1 to the category of primary teachers. The petitioner had participated in the selection process. The result of the selection was that the third respondent was selected. After participating in the selection process and having lost in the selection, the petitioner had filed this writ petition contending, among other things, that Clause 9 of the Scheme, on the basis of which selection has been made gives power to the Selection Committee, headed by District Collector. In my view, participation in the selection process, with open eyes, as regards the Scheme under which the selection is made, estopped the petitioner, an educated person, from challenging the selection on the ground of Rule of selection. Considering the question of rival

abilities, it has been noticed that the third respondent was more competent, as assessed by the Committee. It also appears from the materials on record that the percentage of disability of the third respondent was also more compared to that of the petitioner. In the aforesaid circumstances, I find no way to sustain the challenge of the writ petitioner.

In the result, the writ petition fails. The same is accordingly dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

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O.P.No.1098 of 2001

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JUDGMENT

Dated:7-6-2007